



General Assembly

January Session, 2015

Raised Bill No. 891

LCO No. 3327



Referred to Committee on HOUSING

Introduced by:
(HSG)

***AN ACT CONCERNING ADMINISTRATIVE HEARINGS CONDUCTED
BY THE DEPARTMENT OF HOUSING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) An aggrieved person
2 authorized by law to request a fair hearing on a decision of the
3 Commissioner of Housing, or the conservator of any such aggrieved
4 person on his or her behalf, may make application for such hearing in
5 writing over his or her signature to the commissioner and shall state in
6 such application in simple language the reasons why he or she claims
7 to be aggrieved. Such application shall be mailed to the commissioner
8 within sixty days after the rendition of such decision. The
9 commissioner shall thereupon hold a fair hearing within thirty days
10 from receipt thereof and shall, at least ten days prior to the date of
11 such hearing, mail a notice, giving the time and place thereof to such
12 aggrieved person. A reasonable period of continuance may be granted
13 for good cause. The aggrieved person shall appear personally at the
14 hearing, unless such person's physical or mental condition precludes
15 appearing in person, and may be represented by an attorney or other
16 authorized representative. A stenographic or mechanical record shall

17 be made of each hearing, but need not be transcribed except (1) in the
18 event of an appeal from the decision of the hearing officer, or (2) if a
19 copy is requested by the aggrieved person, in either of which cases it
20 shall be furnished by the commissioner without charge. The
21 commissioner, and any person authorized by him or her to conduct
22 any hearing under the provisions of this section, shall have power to
23 administer oaths and take testimony under oath relative to the matter
24 of the hearing and may subpoena witnesses and require the
25 production of records, papers and documents pertinent to such
26 hearing. No witness under subpoena authorized to be issued by the
27 provisions of this section shall be excused from testifying or from
28 producing records, papers or documents on the ground that such
29 testimony or the production of such records or other documentary
30 evidence would tend to incriminate him or her, but such evidence or
31 the records or papers so produced shall not be used in any criminal
32 proceeding against him or her. If any person disobeys such process or,
33 having appeared in obedience thereto, refuses to answer any pertinent
34 question requested by the commissioner or the commissioner's
35 authorized agent or to produce any records and papers pursuant
36 thereto, the commissioner or the commissioner's agent may apply to
37 the superior court for the judicial district of Hartford or for the judicial
38 district wherein the person resides, or to any judge of said court if the
39 same is not in session, setting forth such disobedience to process or
40 refusal to answer, and said court or such judge shall cite such person to
41 appear before said court or such judge to answer such question or to
42 produce such records and papers and, upon his refusal to do so, shall
43 commit such person to a community correctional center until he
44 testifies, but not for a longer period than sixty days. Notwithstanding
45 the serving of the term of such commitment by any person, the
46 commissioner or the commissioner's agent may proceed with such
47 inquiry and examination as if the witness had not previously been
48 called upon to testify. Officers who serve subpoenas issued by the
49 commissioner or under the commissioner's authority and witnesses
50 attending hearings conducted by such commissioner hereunder shall
51 receive like fees and compensation as officers and witnesses in the

52 courts of this state to be paid on vouchers of the commissioner on
53 order of the Comptroller.

54 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) Not later than sixty days
55 after such hearing, the Commissioner of Housing, or the
56 commissioner's designated hearing officer, shall render a final decision
57 based upon all the evidence introduced before him or her and
58 applying all pertinent provisions of law, regulations and departmental
59 policy, and such final decision shall supersede the decision made
60 without a hearing, provided final definitive administrative action shall
61 be taken by the commissioner or the commissioner's designee within
62 ninety days after the request of such hearing pursuant to section 1 of
63 this act. Notice of such final decision shall be given to the aggrieved
64 person by mailing him or her a copy thereof within one business day
65 of its rendition. Such decision after hearing shall be final except as
66 provided in subsections (b) and (c) of this section.

67 (b) The applicant for such hearing, if aggrieved, may appeal
68 therefrom in accordance with section 4-183 of the general statutes.
69 Appeals from decisions of said commissioner shall be privileged cases
70 to be heard by the court as soon after the return day as shall be
71 practicable.

72 (c) The commissioner may, for good cause shown by an aggrieved
73 person, extend the time for filing an appeal to Superior Court beyond
74 the time limitations of section 4-183 of the general statutes, as set forth
75 below:

76 (1) Any aggrieved person who is authorized to appeal a decision of
77 the commissioner, pursuant to subsection (b) of this section, but who
78 fails to serve or file a timely appeal to the Superior Court pursuant to
79 section 4-183 of the general statutes, may, as provided in this
80 subsection, petition that the commissioner, for good cause shown,
81 extend the time for filing any such appeal. Such a petition must be
82 filed with the commissioner in writing and contain a complete and
83 detailed explanation of the reasons that precluded the petitioner from

84 serving or filing an appeal within the statutory time period. Such
85 petition must also be accompanied by all available documentary
86 evidence that supports or corroborates the reasons advanced for the
87 extension request. In no event shall a petition for extension be
88 considered or approved if filed later than ninety days after the
89 rendition of the final decision. The decision as to whether to grant an
90 extension shall be made consistent with the provisions of subdivision
91 (2) of this subsection and shall be final and not subject to judicial
92 review.

93 (2) In determining whether to grant a good cause extension, as
94 provided for in this subsection, the commissioner, or the
95 commissioner's authorized designee, shall, without the necessity of
96 further hearing, review and, as necessary, verify the reasons advanced
97 by the petition in justification of the extension request. A
98 determination that good cause prevented the filing of a timely appeal
99 shall be issued in writing and shall enable the petitioner to serve and
100 file an appeal within the time provisions of section 4-183 of the general
101 statutes, from the date of the decision granting an extension. The
102 circumstances that precluded the petitioner from filing a timely appeal,
103 and which may be deemed good cause for purposes of granting an
104 extension petition, include, but are not limited to: (A) Serious illness or
105 incapacity of the petitioner which has been documented as materially
106 affecting the conduct of personal affairs; (B) a death or serious illness
107 in the petitioner's immediate family that has been documented as
108 precluding the petitioner from perfecting a timely appeal; (C) incorrect
109 or misleading information given to the petitioner by the agency,
110 relating to the appeal time period, and shown to have been materially
111 relied on by the petitioner as the basis for failure to file a timely appeal;
112 (D) evidence that the petitioner did not receive notice of the agency
113 decision; and (E) other unforeseen and unavoidable circumstances of
114 an exceptional nature which prevented the filing of a timely appeal.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section

HSG *Joint Favorable*

JUD *Joint Favorable*